

CITY COUNCIL MINUTES

February 9, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, February 9, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: We have nine (9) members present and zero (0) members absent, and the nine members represent a quorum, I hereby declare the session of the Common Council officially opened.

PLEDGE OF ALLEGIANCE

Why don't we have Councilman Lindsey do our Pledge of Allegiance tonight?

Fellow Councilmen, and those in the audience, welcome to the February 9, 2015 meeting, the third of this year, of the Common Council

RECOGNITION OF SCHOOLS

Are there any students in the audience that would like to be recognized? Please stand at this time please. Nobody's...ha. Thank you. Hah, there are more I'm sure. Okay, if you need something signed please come up afterwards and we'll be delighted to document that for you.

COUNCIL ATTORNEY

Council Attorney tonight is the effervescent Scott Danks.

SERGEANT AT ARMS

Sergeant at Arms is Lieutenant Kirby.

The minutes are still being processed and so we will get those at the next meeting.

Reports and Communications please.

REPORTS AND COMMUNICATIONS

IN YOUR FEBRUARY 6th PACKET:

- * Ordinances F-2015-1, F-2015-2, G-2015-3 Amended, G-2015-5, and R-2015-2
- * Resolution C-2015-3
- * Evansville Redevelopment Commission Meeting Minutes for January 6, 2015, January 14, 2015 and January 21, 2015

President Adams: Do I hear a motion and a second.

Councilwoman Mosby: So moved.

Councilwoman Robinson: Second.

President Adams: All those in favor? Opposed? So moved.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2015-3 AMENDED</u>	<u>PUBLIC WORKS</u>	<u>LINDSEY</u>
--	----------------------------	-----------------------

An Ordinance Vacating a Portion of an Unnamed 12 Foot Wide Alley Located East of 1331 West Franklin Street in the City of Evansville, Vanderburgh County, Indiana

<u>ORDINANCE G-2015-4</u>	<u>PUBLIC WORKS</u>	<u>ROBINSON</u>
----------------------------------	----------------------------	------------------------

An Ordinance to Vacate a Public Right-of-Way: 1) All of the 12' Alley Lying Northeast of Lot 6 in the Lower Enlargement to the City of Evansville, as per Plat thereof, Recorded in Plat Book E, Page 24 in the Office of the Recorder of Vanderburgh County, Indiana, said Alley Lying Southwest of Lot 11 in said Lower Enlargement: Within the City of Evansville, Indiana, Commonly known as 507 NW Riverside Drive.

<u>ORDINANCE F-2015-1</u>	<u>FINANCE</u>	<u>O'DANIEL</u>
----------------------------------	-----------------------	------------------------

An Ordinance of the Common Council of the City of Evansville Authorizing Transfer, Re-appropriations and Additional Appropriations of Funds within Various Departments

<u>ORDINANCE F-2015-2</u>	<u>FINANCE</u>	<u>McGINN</u>
----------------------------------	-----------------------	----------------------

An Ordinance of the City Council of the City of Evansville Authorizing the Investment of Public Funds Pursuant to IC 5-13-9-5.7

<u>RESOLUTION C-2015-3</u>	<u>FINANCE</u>	<u>McGINN</u>
-----------------------------------	-----------------------	----------------------

A Resolution of the City Council of the City of Evansville Authorizing and Approving the Entry into an Interlocal Agreement for the Investment of Public Funds

ORDINANCE R-2015-1**APC****R-1 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 4105 N. Green River Road

Petitioner: Oak Hill Investments, LLC

Owners: Word of His Grace Fellowship, Inc.

Representative: Shawn Sullivan, Esq., Terrell, Baugh, Salmon & Born, LLP

District: Dan McGinn, Ward 1

ORDINANCE R-2015-2**APC****R-2 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 1328 Lincoln Avenue.

Petitioner: St. Benedict Cathedral

Owners: Catholic Diocese of Evansville

Representative: James F. Flynn, Attorney at Law

District: Connie Robinson, Ward 4

President Adams: I'll entertain a motion to accept the amendment for Ordinance
G-2015-3 Amended?

Councilman Friend: So moved.

Councilwoman Mosby: Second.

President Adams: All those in favor? So moved.

I'll accept a motion to adopt the Consent Agenda as written. I need a motion please.

Councilman McGinn: So moved.

Councilwoman Mosby: Second.

President Adams: Thank you. All those in favor? Okay, that passes.

CONSENT AGENDA**SECOND READING OF ZONING ORDINANCES****ORDINANCE R-2014-22 AMENDED****APC****R-1 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 5200 Lynch Road

Petitioner: Oak Hill Investments, LLC

Owners: Rita Folz; Cynthia Diprimio; Jennifer & Peter Cannon

Representative: Shawn M. Sullivan, Esq., Terrell, Baugh, Salmon & Born, LLP

District: Dan McGinn, Ward 1

This petition comes forward with a recommendation for approval from the Area Plan
Commission, having 10 affirmative votes.

ORDINANCE R-2014-26**APC****C-1 to C-4 w/ UDC**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4112 Broadway Avenue

Petitioner: Rebecca L. Craft
Owners: Same
Representative: Edward W. Johnson
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

ORDINANCE R-2014-27**APC****R-1 to M-2 w/ UDC**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 2422 N. Burkhardt Road

Petitioner: CWK Investments - United, LLC
Owners: Same
Representative: Cash Waggner & Associates, PC
District: Dan McGinn, Ward 1

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

ORDINANCE R-2014-28**APC****R-1 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 300 - 322 Mary Street

Petitioner: David Henzman, Chair of Trustees, Central United Methodist Church
Owners: Central United Methodist Church
Representative: David Henzman
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

President Adams: I want the Council to realize if it comes forth as a 10-0 from Area Plan, that usually means that I have not abstained or I have not put a negative vote and therefore I really think it's a very good process and everything so I want you to understand the symbolism of that.

Is there a motion to accept the amendment for Ordinance R-2014-22 Amended?

Councilman Friend: So moved

President Adams: Second?

Councilwoman Mosby: Second.

President Adams: Thank you. All those in favor? So moved.

Is there a motion to adopt the Consent Agenda Second Ready of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman O'Daniel: So moved.

President Adams: Second?

Councilwoman Mosby: Second.

President Adams: Thank you. All those in favor? So moved.

Now the Council stands for Third Reading of Zoning Ordinances for final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-22 AMENDED

APC

R-1 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 5200 Lynch Road

Petitioner: Oak Hill Investments, LLC

President Adams: Welcome.

Counsel for the Petitioner Sullivan: Hi there. I have an informational pack that I will hand out to everybody. I apologize. I had meant to pass it out before but due to my lack having been here before I apologize for not getting it out before.

My name is Shawn Sullivan. I'm with the law firm of Terrell, Baugh, Salmon & Born. I'm here on behalf of the petitioner, Oak Hill Investments, LLC. Marlin, if you'd come up. I have Marlin Goebel, he's the principal of this company. You may know Marlin. He's affiliated with a local company, Goebel Commercial Reality, Inc. They have built other apartment complexes in this area; namely, they've built Kenzi Estates on the northside. They also built Hickory Lake Apartments on the westside. They manage and have actually remodeled other apartment complexes as well.

This is why we're here tonight. We're here to try and get your permission to rezone this property from R, a residential district, to a C-2 to build an apartment complex. To give you a little bit of an idea about what we're intending to do, we have been working with

an architectural firm called Entasis and they have a Greek theme for the apartment complex building that we want to build which is going to be roughly 175 units and it's about seven buildings. This is in Tab 2 of the materials that you have and you'll note that these are the buildings. They're actually photographs that have been taken of buildings in other locations. Mr. Goebel's actually gone to North Carolina, he's gone to Indianapolis where these buildings have been built and they're a very nice looking buildings. This is the architectural design that we're going to use.

The thing that I want to bring to your attention about this particular development and the particular site that we're dealing with is the access to this site really dictates the development of this particular property. I was just speaking with Mr. Kiefer beforehand; this has been listed for sale for almost...I say listed, it's not sold for 15 years and the property presents some challenges, most notably of which is access. Okay, this has been pending for some time. We've received no negative comments regarding this rezoning. One thing I'm going to tell you though that I've received input from this and almost unanimously everybody has said, "Listen, we do not want you accessing north of Green River Road". The Green River Road and the intersection there present a problem for people and they don't like that. We concur and so as you'll note, in your packet of materials that we've given you, the site plan itself. We want to access this property from Lynch Road and you'll note that we want to extend N. Cullen Avenue northward. I call it an intersection. It's somewhat of a misnomer for me to call it an intersection because actually there's no access onto our site, currently, from N. Cullen. What we're going to do is actually access our property; extend N. Cullen upward. So we've been working...pardon me?

Unidentified Speaker: *(Off Mic) (Inaudible)*

Counsel for the Petitioner Sullivan: There is already a light there, okay, there is already a light there and all we're proposing is to allow and access from that light onto our site, okay? The one thing I would note about that is the City has made plain that they intend to have a road that will dissect our property in the future and that's been the problem with trying to develop this property because essentially you're separating it in two and so we have to make a decision about where we're going to put our apartment complex. Our apartment complex, if you look at the site plan, we're going to have to develop it to the east of that extension of N. Cullen Avenue, okay, and this is...I have conceptual drawing, this is Tab 3 of the materials that you have, that indicates where we want to put the apartment complex buildings, okay? You'll note, here's the extension of N. Cullen here. Our apartment complex is going to be to the north of Cullen, okay? Now, there may some minor tweaking of where we put these buildings but this is the general location.

I want to bring another thing to your attention. You'll note that we want to incorporate this retention pond, existing lake, into our development. You'll note to the north we're going to need that property. That's not important here tonight. As we've done our due diligence on this project what we've learned is we have to...we're going to have that property and since we filed this rezoning petition we've gone and *(Inaudible)* under contract to buy the property which was the Word of His Grace, the First Reading of the ordinances we had tonight. We'll be back before you requesting a rezoning that because we have to have that to make this work.

As you see, it limits us because we can't develop this area to the west of the extension of Cullen and so we feel like we've done our due diligence. We have Scott Buedel of Cash Waggner here tonight; he's been working with us. We feel like we can do this from a feasibility point of view but we do actually have to have the rezoning in place.

As far as some of the actual land use considerations, we feel like this is wholly appropriate use for this property. You'll note on the aerial site you'll see the apartment complex to the north, that's what we're proposing. You'll note on the west, the southwest corner of where we're proposing to develop there is a C-4 use, which is a convenience store. You'll note all of the development to the south is already C-4. We're not asking you for a C-4. When we filed this petition we were told that is not something that you all like, that the C-4 uses can be offensive to some and so this is a C-2 and so we're proposing, actually, a less intensive use of property commercially than what is to the south and so we feel like this a wholly appropriate use of the property.

We spent some money trying to do our due diligence on this. We've worked with the City Engineer's office regarding the access issue from N. Cullen. They'd asked to commission a traffic study, which we've done, and, as I said, we're prepared to move forward but before can really invest any more money in this project we really need to get some guidance from the Council approving this rezoning.

As I said, I have Mr. Goebel here with me, our engineer, Scott Buedel here is with us. They can answer any questions that you may have.

President Adams: *(Off Mic)* Any questions *(Inaudible)*?

Councilman O'Daniel: I assume all the way to the far east that's not being developed. Is that a flood plain?

Counsel for the Petitioner Sullivan: We think it potentially could be developed but yeah, it is. You're correct...

Councilman O'Daniel: Okay.

Counsel for the Petitioner Sullivan:...Councilman O'Daniel, it is lower elevation and in fact, on our property, if you look at this area over here, it is low-lying.

Councilman O'Daniel: Okay.

Counsel for the Petitioner Sullivan: And we actually are going to be using this as...for drainage purposes.

Councilman O'Daniel: One of the other things, and this is off of Green River Road, I guess it'd be just north of the Hucks, what would that we used for...

Counsel for the Petitioner Sullivan: Okay...

Councilman O'Daniel:...because that's...that's...

Counsel for the Petitioner Sullivan: Excellent question.

Councilman O'Daniel:...not part of this site.

Counsel for the Petitioner Sullivan: Excellent question. *(Off Mic)* Councilman O'Daniel is indicating this property that we're proposing to rezone...

Councilman O'Daniel: I think it's actually off of Green River, north of Hucks.

Counsel for the Petitioner Sullivan: Oh I apologize, correct. Both that property...

Unidentified Speaker: *(Off Mic) (Inaudible)*

Counsel for the Petitioner Sullivan: Exactly. *(Off Mic)* Okay, I have the *(Inaudible)*. So, this is the extension of Cullen. We actually are going to be...we're asking to rezone this part here and these two blocks over here, okay? We do not have a current proposed use for those *(Inaudible)*. We have a bond issue. This property's in our contract and to buy this *(Inaudible)* so that's why we're here.

Again, we're not asking for a C-4 use; we're asking for a C-2 use, a commercial use which will be the same as the apartment complex *(Inaudible)*, but in answer your question, we don't right now have a specific commercial use lined up.

President Adams: *(Off Mic)* Any other questions? *(Inaudible)*

Councilman McGinn: Mr. President, I'd just like to say from what...I have heard nothing in opposition to this from any resident of the First Ward and, you may recall from a couple weeks ago, if they have complaints, they'll let me know so have heard not a thing.

Counsel for the Petitioner Sullivan: Thank you.

President Adams: *(Off Mic)* Is there a motion to adopt Ordinance R-2014-22 Amended.

Councilman Friend: So moved.

Councilman O'Daniel: Can I ask one more question? I'm sorry.

President Adams: *(Off Mic)* I apologize.

Councilman O'Daniel: The open ditch, what would happen with the open ditch as it goes across or to the north of...

Counsel for the Petitioner Sullivan: Can you...

Councilman O'Daniel:...where Lynch...

Counsel for the Petitioner Sullivan: What specific open ditch? If you could...

Councilman O'Daniel: Well I think...I assume it's kind of the green area just to the north of Lynch.

Speaking Simultaneously

President Adams: *(Off Mic)* I think he's *(Inaudible)* adjacent to the north side of Lynch Road.

Councilman O'Daniel: So go south of the cursor there; basically the lower line.

Counsel for the Petitioner Sullivan: Can you answer that?

Councilman O'Daniel: Is that going to be filled in or is that going to be...put a culvert in? I don't...

President Adams: *(Off Mic)* I think there's a natural ditch on the north side of Lynch Road.

Councilman O'Daniel: Yeah.

Unidentified Speaker: *(Off Mic)* The ditch is to the east. *(Inaudible)*

Councilman O'Daniel: The ditch may be the wrong word. I mean it...I think it's...

Counsel for the Petitioner Sullivan: You're talking about that ditch right...

President Adams: He's talking the green strip just north of...

Councilman O'Daniel: Yeah, right there.

Counsel for the Petitioner Sullivan: Through here?

Unidentified Speaker: *(Off Mic)* Okay, that's not part of the property Shawn.

Counsel for the Petitioner Sullivan: That is not part of our property.

Councilman O'Daniel: Okay.

Counsel for the Petitioner Sullivan: It's not...so we won't be disturbing that.

Councilman O'Daniel: Okay.

President Adams: *(Off Mic)* *(Inaudible)*

Counsel for the Petitioner Sullivan: It is, correct, it is.

Councilman O'Daniel: Okay.

Counsel for the Petitioner Sullivan: If you look on Tab 1, which is the engineering plan, you can see that the dimensions of the property line...we would not...

President Adams: *(Off Mic)* *(Inaudible)*

Counsel for the Petitioner Sullivan: Pardon me?

President Adams: *(Off Mic)* Part of the right-of-way?

Counsel for the Petitioner Sullivan: Correct.

President Adams: *(Off Mic)* Again, are there any comments from my colleagues? Why not?

Councilman Friend: Motion for approval.

President Adams: *(Off Mic)* No, I want to make sure we don't have any more comments.

Councilman Friend: Oh.

President Adams: Now, do we have a motion to approve? You just made it?

Councilwoman Mosby: Second.

Speaking Simultaneously

Councilman Weaver: Second.

President Adams: *(Off Mic)* Okay, great.

Councilman Weaver: Third.

President Adams: *(Off Mic) (Inaudible)* Clerk, *(Inaudible)* call the roll.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2014-22 Amended is hereby adopted.

Counsel for the Petitioner Sullivan: Thank you. On behalf of the petitioner we're most appreciative. Thank you very much.

President Adams: Thank you for coming sir.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-26

APC

C-1 to C-4 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4112 Broadway Avenue

Petitioner: Rebecca L. Craft

Counsel for the Petitioner Johnson: Good evening Mr. President.

President Adams: Hi.

Counsel for the Petitioner Johnson: I'm Edward Johnson. I represent the owner of the property, Rebecca Craft, who's here with me, and also the gentleman who's going, if the zoning is approved tonight, is going to put his heating and air conditioning business in this building.

The property is located...southeast corner of Helfrich and Broadway; it's empty right now. This passed Plan Commission unanimously; there were no neighbors, or anyone else, that remonstrated against it. Just in 10 words or less why this is a very good for this property. He has one employee, is that correct?

Unidentified Speaker: *(Off Mic)* Correct.

Counsel for the Petitioner Johnson: One employee besides himself. All the work will be done inside and if you think about it for a minute, it's not a traffic generator, not that Broadway's that busy, but it's not a traffic generator because when your heating goes out or your air conditioning in the middle of the day or night, you don't go...you say, "Wow, the air conditioner is not working. Let me get in my car and drive over to the heating and air conditioning man". You call 'em and they come to you so it's a really good use for the property. It does require the C-4 and that's why we're asking that the zoning be increased so that we can go ahead and make some use of this property and do it as a heating and air conditioning business.

If we get...if the zoning is approved tonight, Rebecca and he are going to close in a few days. We had a closing scheduled but we found out we needed the zoning so we put everything in a holding pattern and as soon as we close he's ready to go. He's ready to move into the premises.

Councilman Friend: Yeah.

Counsel for the Petitioner Johnson: Alright, if you have any questions, he's here and also Rebecca Craft, who owns this property, is here. If you have any questions at all about it we'd be glad to answer it for you.

Councilman Friend: And what is the Use and Development? What commitment?

Counsel for the Petitioner Johnson: Well, we had a Use and Development Commitment that made sure we didn't have any of those undesirable matters like adult book stores and some other things in the C-4 and we were glad to do that.

President Adams: Any other comment.

Councilman O'Daniel: I see you've got a laundry list...

Counsel for the Petitioner Johnson: Yes.

Councilman O'Daniel:...on your petition so...

Counsel for the Petitioner Johnson: We want to make sure you know that it's going to be heating and air conditioning or another good...well, this is going to be heating and air conditioning, this C-4.

Councilman Lindsey: Hi. This is in my ward. I know this lady right here very well and there's...I have had no complaints and as far as I know this is a good thing. I'd like to see somebody in there and I think this is going to work out for everyone.

President Adams: Terrific. Any other comments please? Any remonstrators on this petition?

Okay, is there a motion to pass?

Councilman Lindsey: So moved.

Councilman O'Daniel: Second.

President Adams: Second. A motion has been made and seconded. Please, Madam Clerk, call the roll.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2014-26 is hereby adopted.

Counsel for the Petitioner Johnson: Thank you all very much.

President Adams: Thank you very much for coming.

Counsel for the Petitioner Johnson: Appreciate it.

Unidentified Speaker: *(Off Mic)* Thank you.

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-27

APC

R-1 to M-2 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 2422 N. Burkhardt Road

Petitioner: CWK Investments - United, LLC

Cash Waggoner Surveyor Buedel: Hi, Scott Buedel with Cash Waggoner & Associates here on behalf of the owner, CWK Investments. The project started out as a mini-storage site on property just to the north of this area to be rezoned. Whenever we laid out the mini-storage it was just getting too confined and it just lay-out right. He went ahead and purchased the property to the south and during the process of purchasing that property determined that a portion of it still remained R-1 whereas everything around it M-2 already so we're just going through the process bring that into the same zoning as everything around it. However, we do have the Use & Development Commitment for 21 to not be allowed, Use Group 21.

President Adams: So you're just merging this odd piece of property into actual entire project.

Cash Waggoner Surveyor Buedel: Right. The property that zoned R-1 right now is actually part of another lot to the south. It's just a small portion of that lot that he purchased and then, like I said, during the process of buying the property he found out that it was zoned R-1 and needs it to be zoned M-2 to be able to do the mini-storage on it.

President Adams: Thank you. Any comments from our colleagues here on Council? Any remonstrators please, for this petition?

Is there a motion to adopt R-2014-27?

Councilman O'Daniel: So moved.

President Adams: Second?

Councilwoman Mosby: Second.

President Adams: Motion's been made, seconded. Please call the roll.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2014-27 is hereby declared adopted.

Cash Waggoner Surveyor Buedel: Thank you.

President Adams: Thank you sir.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-28

APC

R-1 to C-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 300 - 322 Mary Street

Petitioner: David Henzman, Chair of Trustees, Central United Methodist Church

President Adams: Is there someone here that represents the Central Methodist Church?

This is an attempt to make this area become an electronic sign. I feel a little uncomfortable continuing this unless we have some representation, although frankly it's a pretty straightforward case.

Would it be appropriate for us just to table that until next time?

Council Attorney Danks: *(Off Mic)* I think so.

President Adams: Yeah? I mean to me it's a pretty easy...

Councilman Lindsey: I haven't had any complaints on this Dan. I mean...

Council Attorney Danks: *(Off Mic) (Inaudible)*

Councilman Lindsey: It's just for a sign. It's not like a...

President Adams: What would be the...what would you ladies and gentlemen like to do? You want to act on this or do you want to have the person come forth?

Councilwoman Mosby: *(Off Mic)* Is it *(Inaudible)*?

Councilman Lindsey: Well we can go ahead, on my part, we can act on an ordinance. I mean it's for a sign; it's for the church. I think it's...

Councilman Friend: We had one of these up N. Main Street before.

Multiple Speakers: *(Speaking Simultaneously) (Inaudible)*

Councilman Friend: We had one of these things, very similar up on N. First Avenue, you remember.

Councilwoman Brinkerhoff-Riley: *(Off Mic) (Inaudible)* on Main Street *(Inaudible)*

Councilman O'Daniel: I think given what the Area Plan Commission...we have those notes that we've had an opportunity to go over and it's a relatively small *(Inaudible)*...

Speaking Simultaneously

President Adams: It's just an upgrade of a sign *(Inaudible)*.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: I know but we've consistently...

Speaking Simultaneously

Councilman O'Daniel:...comfortable moving forward, although you're right.

Councilwoman Brinkerhoff-Riley: We've consistently taken the position that a human had to appear.

President Adams: I can't hear you.

Councilwoman Brinkerhoff-Riley: Well my microphone is on. We've consistently taken the position that a human had to appear and it's not just this Council. I think Janet would tell us that historically we've required someone to actually be in attendance. I don't have a problem with the rezoning; it's just whether we want to start that...

Councilman O'Daniel: Open that can of worms.

Councilwoman Brinkerhoff-Riley:...pattern or whether we're going...

Councilman Lindsey: That's fine.

Councilwoman Brinkerhoff-Riley:...to be consistent. Again, ultimately I have no issue with the rezoning it's just the...whatever policy we're going to have we ought to be consistent.

Councilman Lindsey: We'll they're not...they don't have anyone from Council to represent 'em so I'm sure they just didn't understand the process.

Councilwoman Robinson: *(Off Mic)* Well it's not mandated that they show up. It's not a mandate. *(Mic On)* It's not a mandate.

President Adams: Well look, wait a minute; time out. Why don't we do it this way? Is there anybody that would not like to act on it tonight? Viola. Okay, then we'll act on it tonight.

APC Zoning Administrator Greenwell: I was just going to suggest that there has been some confusion. The church actually filed the rezoning. The sign company filed the Special Use. It's already docketed. There was probably some confusion as to who was to attend tonight because they did come to Plan Commission...

President Adams: Yes they did.

APC Zoning Administrator Greenwell:...and they were there.

President Adams: Yeah.

APC Zoning Administrator Greenwell: And I...

President Adams: They probably thought that was enough.

APC Zoning Administrator Greenwell: I wouldn't be surprised.

President Adams: Okay, if this passes tonight, would notify them that it has passed or would you do that for me?

City Clerk Windhorst: Yeah, she...

APC Zoning Administrator Greenwell: We send a letter out immediately follow and they could not proceed on with their Special Use unless the rezoning is approved.

President Adams: Yeah.

APC Zoning Administrator Greenwell: In this particular case they also need Redevelopment approval because it's in Jacobsville so they have some hoops to still jump through.

President Adams: Other hoops to go through?

APC Zoning Administrator Greenwell: Yeah.

President Adams: Yeah. Okay, any comment from the City Council right now? Any remonstrators on this particular petition?

Okay, I'll entertain a motion.

Councilman Lindsey: So moved.

President Adams: Second?

Councilman Weaver: Second.

President Adams: Okay, we have a motion and a second. Please have a roll call.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2014-28 is hereby adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-2 AMENDED PUBLIC WORKS LINDSEY

An Ordinance to Vacate Certain Public Ways or Public Places with the City of Evansville, Indiana, Commonly Known as Part of that Right-of-Way of Bower Avenue Lying East of South Bosse Avenue in Industrial Addition

PUBLIC WORKS COMMITTEE:

CHAIRMAN LINDSEY

Councilman Lindsey: *(Off Mic)* Mister President, your Public Works Committee met this evening to hear ***Ordinance G-2015-2 Amended*** and it comes forward with a do-pass recommendation.

President Adams: Okay, I'll accept a motion to adopt the Committee Reports for Third Reading.

Councilman O'Daniel: So moved.

Councilman Friend: Second.

President Adams: Okay. All those in favor? So pass.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-2 AMENDED PUBLIC WORKS LINDSEY

An Ordinance to Vacate Certain Public Ways or Public Places with the City of Evansville, Indiana Commonly Known as Part of that Right-of-Way of Bower Avenue Lying East of South Bosse Avenue in Industrial Addition

President Adams: Any comments from Council? I make a motion...entertain a motion.

Councilman O'Daniel: So moved.

President Adams: Second?

Councilman Lindsey: Second.

President Adams: A motion and a second; a roll call please.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance G-2015-2 Amended is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will be no meeting of the City Council on Monday, February 16, 2015. The next meeting of this Common Council will be Monday, February 23 5:30. Committee hearings, right now, will begin at 5:10 p.m.

We have a little follow up on the Board & Commission appointments. We have two, I think, excellent candidates for the Affordable Housing Fund Advisory Committee: William Krowl and Ashley Snow. I think we all have gotten their résumés this past week. Is there any discussion about these particular individuals? Okay, great.

We are still looking for people to fill in the slots on the Evansville Urban Enterprise Association Board. We have a couple of people already for the Commission of the Social Status of African American Males; would love to see some more people if that was possible. And we are still looking MBE/WBE Utilization Board appointees so those of you in the audience and on TV, if you are interested in these boards...I think they certainly have their challenges and if there are other appointments from our Councilmen, we'd love to talk about it. We will bring it up next time we meet and if you're going...want to say something?

City Clerk Windhorst: Were you going to vote?

Speaking Simultaneously

President Adams: *(Inaudible)* think over here.

City Clerk Windhorst: Were you going to vote on either William Krowl or Ashley Snow tonight.

President Adams: Yes...yeah, yeah. I'd like to finish the other thing. Okay, so I would ask...I would like to entertain a motion to accept these City Council appointments for the Affordable Housing Fund Advisory Committee.

Councilman Friend: So moved.

President Adams: Second?

Councilwoman Mosby: Second.

President Adams: Okay. There's been a motion and a second; all those in favor? Opposed? Great.

Okay, now we have one mayoral appointment we have to look at.

City Clerk Windhorst: Doc Adams?

President Adams: Yeah.

City Clerk Windhorst: From the Affordable Housing there were two nominations and there's only one slot so you'd have to vote on who you would like.

President Adams: Well there ought to be two I think, you know? I apologize. Big step backwards, time out.

Okay, we have two nominations for Affordable Housing Fund Advisory Committee: William Krowl and Ashley Snow. Those individuals here on Council who know these people, I'd love to hear about why you think they're individually so good.

Councilwoman Robinson: Are they here tonight?

Councilman O'Daniel: *(Off Mic)* Do we *(Inaudible)*?

Councilwoman Brinkerhoff-Riley: Mr. Krowl is here tonight. I know Mr. Krowl comes appointed...recommended by the Vanderburgh County Community Foundation and

Scott Wylie. I met with William as part of his volunteer work through CAJE, which is Congregations Acting for Justice and Empowerment. They have taken up the issue of affordable housing and so CAJE...their employees had also expressed an interest in him filling that position. He's a licensed attorney in both Indiana and Kentucky. He does plaintiff's work, discrimination. He's got a career, so far, based on representing the underprivileged and had sought out, for CAJE, meetings with the Department of Metropolitan Development. CAJE had been instrumental in establishing the Affordable Housing Trust Fund. It was originally set up with a million dollars and to find a...they were surprised to find that that fund had diminished so much and so he was already working on behalf of CAJE to see what was going on with the fund and affordable housing through the department and I think he'd be a great fit, given it appears to already be his passion and his volunteer work.

President Adams: Okay, would anyone like to speak for our other applicant, Ashley Snow? Yes, please.

Councilwoman Mosby: Yes, Ashley Snow was actually nominated by Southeast Neighborhood Association. She attends many of the Second Ward neighborhood association meetings and has been very involved in the community and sought this as an opportunity to get more involved.

President Adams: And she has a bachelor's...

Councilwoman Mosby: She is not here tonight.

President Adams: She has a bachelor's degree from...

Councilwoman Mosby: Yes.

President Adams:...(Inaudible) science and public relations in advertising from USI of December 2008.

Okay, well we have two nominations. Why don't we take William Krowl and have a vote.

Comments made prior to casting their respective votes:

Councilman McGinn: I'm happy that two people younger than I have an interest in government. I have never met either party. I have looked at both of their résumés and I think they're both qualified so I'm going to vote for Mr. Krowl and I'll vote aye.

Councilman O'Daniel: I think, like Councilman McGinn, it's nice to have interest in all of our boards. I think not really knowing either party I kind of look to the one who's

shown up tonight and maybe that gives him the little extra advantage and so I'll vote aye.

ROLL CALL VOTE FOR APPOINTING WILLIAM KROWL TO THE AFFORDABLE HOUSING FUND ADVISORY COMMITTEE:

Ayes: McGinn, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel

Nays: Mosby, Weaver, Adams

President Adams: So Mr. William Krowl, you are our representative, duly elected on a basis of...what is that, six to three?

City Clerk Windhorst: Uh-hm.

President Adams: Okay, I'll adopt to accept the City Council appointment. Is there a motion to accept this appointment?

Councilman O'Daniel: So moved.

President Adams: Second?

Councilwoman Robinson: Second.

President Adams: All those in favor? Okay.

BOARD	TERM	CRITERIA
AFFORDABLE HOUSING FUND ADVISORY COMMITTEE		
		Represent the Community at Large Must be nomination to the CC after a general call for nominations from township trustees, community development corporations, neighbor- hood associations, community based organizations and other social service agencies

1 Appointee: **William Krowl** Balance 01/09/2015 - 12/31/2017

President Adams: Now, here we have one mayoral appointment, the Historic Preservation Commission, a Joseph Flauto that's been put forth by the Mayor. I entertain a motion to approve the appointment made by the Mayor.

Councilman McGinn: So moved.

President Adams: Second?

Councilwoman Robinson: Second.

President Adams: A motion has been made and seconded. All those in favor? Any opposed? So it passes.

BOARD	TERM	CRITERIA
HISTORIC PRESERVATION COMMISSION		
		<i>Appointed by the Mayor Subject to approval of the City Council - APPROVED 02/09/2015</i>
<u>1) Joseph Flauto</u>		

President Adams: Is there any additional Miscellaneous Business? We have Mr. Clinton Maclin, who represents the Evansville Fire Department appointment. Who do you represent, sir?

Clinton Maclin: I'm representing myself.

President Adams: Okay, great.

Clinton Maclin: I'm here to discuss the appointment standards.

President Adams: But you're speaking on Evansville Fire Department appointment standards.

Clinton Maclin: Yes.

President Adams: Great.

Clinton Maclin: Okay.

President Adams: And speak up for me please.

Clinton Maclin: Good evening. First, I'd like to thank the City Council for the opportunity to speak.

President Adams: I apologize. Could you state your full name and address please.

Clinton Maclin: Yes, my name is Clinton Maclin. I live at 3015 Marion Avenue in Evansville.

President Adams: Thank you.

Clinton Maclin: I'm here to address a section of the Evansville Municipal Code, which affects the Evansville Fire Department's appointment standards. These standards have prevented me from having my application for the fire department reviewed due to my prior military service. I believe this standard does not properly address someone with my status and is possibly being misapplied to my application.

On August 25 of 2005, I began recruit training with the United States Navy. Twenty days later I was granted...I'm sorry...I was...twenty days later I was granted an entry-level separation after a medical exam discovered I had a condition affecting the vision in my left eye. The condition was previously unknown to me because it does present any problems in my day-to-day life. The condition was also previously unknown after passing an initial military medical exam before shipping off to recruit training.

I was assured by Navy personnel that my entry-level separation would never have an effect on future job possibilities as the nature of the separation was in no way dishonorable. It is a separation given to recruits found to be unqualified for the military within their first 180 days of service due to unforeseen circumstances.

In 2014 I set a goal for myself. I wanted nothing more than to pursue a career as a full-time firefighter so that I may serve my community. I began preparing myself mentally and physically while also adding a second job to my schedule in order to pay for training. I then enrolled in the Emergency Medical Technician course at Ivy Tech, which I completed and passed in December.

After submitting my application to the Evansville Fire Department I received an email on the morning of February 6 stating that my application had been disqualified because of a City ordinance that states, "A military discharge must be characterized as honorable". I've brought my DD214 separation document, which states that my...it says my separation is classified as uncharacterized or entry-level separation.

What I'm here to ask of you today are two things: First, that the City ordinance be reviewed and revised so that deserving individuals who did not receive a dishonorable discharge may be considered to serve on the fire department. And second, I'm respectfully asking to have my application reinstated so that I may be offered good faith consideration for the 2015 hiring period.

Due to a medical condition outside of my control I was unable to serve my country. Now I am seeking the opportunity to serve my community. To have my application disqualified for the reason it was is a misapplication of the ordinance and is unfairly barring me from pursuing my dream due to a prior medical condition. I am hoping the City Council will allow me the opportunity to continue on in the application process and show that I would be a valuable asset to the fire department and the community of Evansville.

I've brought my attorney here who would like to speak a few words. Thank you.

Aaron Trump: Hello, my name is Aaron Trump. I'm a local attorney representing Mr. Maclin on a pro-bono basis. I'm also prior service military and hearing his story I felt compelled to come and speak on his behalf.

President Adams: What's your residence, sir?

Aaron Trump: I live in Evansville, Indiana. I'm at 800 Sunset Avenue.

President Adams: Thank you.

Aaron Trump: As I said, I believe that this law, or this ordinance, was drafted for a good purpose. Conceptually speaking, it was meant to keep those that had dishonored the uniform from then representing this community. However, I think it's being applied in way where it's keeping other individuals who did not dishonor the uniform from serving their community.

It's essentially, and I'll read here, 2.170.070 states that, "To be appointed as a firefighter and prior to filing an application an applicant must have no less than an honorable discharge from military service {if applicable}". It's written in a way where it seems to think there two types of discharges, honorable and dishonorable. Actually there are eight types of ways to separate from the military; only three of which are actually painted in a negative light.

We, today, would ask that this be amended in a way to read more specifically and more explicitly the three types of discharges so that Mr. Maclin would have an opportunity to serve on the fire department. Other than honorable, bad conduct discharges and dishonorable discharges are what I believe this ordinance is meant to keep out. There are five other types to include honorable discharge, general discharge, and entry-level separation, as Mr. Maclin has, a voided enlistment, and dropped from the rolls.

His situation essentially means that within 180 days of service an unforeseen circumstance kept him from serving in the military and I don't believe that that situation

should prevent him from serving on the Evansville Fire Department and is not what this ordinance essentially meant to do.

I guess I'd ask if you guys have any follow-up questions or if anyone is unsure about
(Inaudible)

Speaking Simultaneously

President Adams: I'd like to know what your vision is now, sir?

Clinton Maclin: Well, I have a condition in my left eye. The last time it was it checked it was...my left eye was actually 20/400 vision. My right eye is near perfect. I don't...I do have driver's license. I've worked many physical labor jobs, had dangerous and physical hobbies, activities I've been involved in that it's never played a factor. I've been able to, you know, live my day-to-day life without any problems.

President Adams: But your left eye is 20/400?

Clinton Maclin: Yes.

President Adams: Essentially blind.

Clinton Maclin: Yes but I can...like I said, I've still been given a driver's license. I haven't had any problems.

President Adams: No, I understand. I'm just trying to document that the condition has not improved since you got out of the Navy.

Clinton Maclin: That is correct.

President Adams: Okay. Other questions you might have.

Council Attorney Danks: (Off Mic) Would that condition in and of itself disqualify
(Inaudible)?

President Adams: I don't know. The question comes up does a firefighter require...do you have to have good enough vision to see out of your periphery. I mean if you can't see the left side your head I would worry about the fact that you might get in trouble to yourself and your peers if you're fighting a fire and you can't see something coming from this side of your body.

Aaron Trump: Sir, the ordinance, as written, states that he would be able...have the opportunity to go through a merit and fitness exam.

President Adams: I can't hear you sir.

Aaron Trump: He said he would have the opportunity to go through a merit and fitness exam, which the way the ordinance is written, he won't even have the opportunity for that chance to have a review done by the fire department of his capabilities.

President Adams: And again, would you review for me the five different things that are less than honorable or above honorable...dishonorable?

Aaron Trump: An honorable discharge, a general discharge, an entry-level separation, a voided enlistment, or a drop from the rolls. There are three types of uncharacterized separation, which are essentially offered to those that once they've entered training it's found that for some reason, typically medical, they're not qualified for military service and it's meant to reflect the fact that they've done nothing to dishonor themselves or the uniform, but also the military can't competently give them an honorable discharge because they haven't have not had long enough to assess their performance.

Councilman O'Daniel: As I recall, I mean we talked a lot about the different kinds of discharges when we did that and honestly I got some strange email from the Merit Commission president over the week and I didn't really know what it pertained to but now I do I guess. It seemed to me that the Merit Commission didn't like the process that was used in passing it but they thought that the substance of it fine; they didn't have a problem with that.

Maybe this question then goes to Mr. Danks: Because this has been passed within the last year, would this be considered sort of a modification of that which would require 2/3 vote or is that...it'd just be a simple majority vote.

Council Attorney Danks: I don't know. You know it's not a request to reconsider. I think it would be another amendment to that ordinance. I don't know if there's a time period on that. I'm very interested though in this gentleman's expertise. There was a lot of discussion about the various types of discharges and frankly I don't know that anybody addressed the Council that apparently has the knowledge that you possess.

You're absolutely correct in the intent of the ordinance; trying to keep bad apples off the fire department and so what I would like to do is have further discussions with you, educate me on that, and then I can certainly propose an amendment to the ordinance to this Council and see if they're inclined consider that.

Clinton Maclin: Okay.

Aaron Trump: Thank you, I'd appreciate that.

Councilman O'Daniel: And that letter that came to us from the president of the Fire Merit Board, they wanted some input. At least notify them, as well as the Administration, which I don't know if we did or not at that time, but kind of incorporate them into the draft.

Council Attorney Danks: I don't have that. If someone can forward that to me.

Speaking Simultaneously

President Adams: Yeah, I would love to get their take on that.

Councilman O'Daniel: Sure.

President Adams: The Merit Commission's actual take on that.

Councilman McGinn: I might just add to this too. It frightens me at times if we want to do a blanket exemption for this type of a discharge but what this gentleman, these gentlemen, have come here today and explained the factual basis for this, which is basically an appellate process. I mean could we possibly think about an appeal process for an individual such as this, fact-specific so we don't have to do a blanket type thing. I mean other cities may have that either through us or through the fire board because, again, I agree with you. That ordinance has no bearing for this gentleman...to this gentleman's situation. It appears to be unfair to him, in my opinion.

Councilwoman Brinkerhoff-Riley: Yeah, I think I agree with that in the sense that we were specifically looking for the areas that would fall under "dishonorable". Now whether you're physically capable of serving on the fire department would be something that was determined later but it doesn't sound like your application should be barred automatically based on your level of service and so I would...I would encourage you to speak to the City Council attorney because we could more specifically lay-out the apparent three levels of discharge that are a dishonor to the uniform and make it more clear.

Councilman Lindsey: I've got a question. It seems like the military is the one that made the mistake on this by not catching your...I mean, how do you miss that. I mean I don't get that one at all but the question I would have is does the military not have avenue at all for you to go back and to change this if it's affected your...

Aaron Trump: An entry level situ...entry level separation is not appealable in the way that a dishonorable discharge would be because the military is essentially stating they did not have enough time to assess his performance to offer him an honorable discharge. It's meant to be listed as an Uncharacterized Separation.

Councilman Lindsey: Yeah, because it seems to me like they're the ones that made the mistake and they should have...once they recognized that, they should have given you a...something that would just clean...cleared your slate like you were never in the military.

Aaron Trump: That's what this status is meant to do. This status is meant to be listed as though we recognize that he's not meant to serve in the military but he's done nothing to dishonorably, I guess, perform within the uniform.

Councilman Lindsey: Yeah, I understand that, yeah.

Aaron Trump: Yeah.

Councilman Lindsey: Okay, I just didn't know if there a military...

Speaking Simultaneously

Council Attorney Danks: Is there difference between a separation and discharge *(Inaudible)*?

Aaron Trump: Say again?

Council Attorney Danks: Is there a difference in the terminology between...you refer to him as being...as a separation. Is there a difference between separation and discharge?

Aaron Trump: The terminology is different sir, but frankly within the forms that are submitted, there's only so many slots on 'em so it starts to get a little jumbled. The releases and separations are supposed to be categorized the same and a discharge is frankly five different categories, separate from those other three. On the form it will say in some parts...on his form it says it says it's a release, other says he was granted a separation and another says type of...

Council Attorney Danks: *(Inaudible)*

Aaron Trump: Yes, it says "Type of Discharge"; "Separation" underneath it.

Council Attorney Danks: Yeah, if you could call me I would appreciate having a discussion with you and see if we can...and frankly, you know, I think there was concern about...and it's something like this occurring and we had difficulty drafting some more specific language and I would very much appreciate your expertise. Maybe we can adjust it and see if the Council likes that idea.

Aaron Trump: Absolutely.

President Adams: Agree. I want to echo the fact that we did debate the difference between an honorable, and then this gray area, and dishonorable. How did you pass your Navy physical? I mean you can't cover your right eye and see anything.

Clinton Maclin: Well going into a...I had to do an initial medical exam going into the service. Before I left for recruit training...

President Adams: Right.

Clinton Maclin:...which I passed. Even though I have problems with vision in my left eye it's kind of the same as with my driver's license. Even though I'm having problems...I have problems with that I'm still fit to be able to...they still saw me as fit to be able to enlist at the time.

President Adams: So you your entry physical into the Navy, they knew you had a...

Clinton Maclin: Yes, they absolutely did know, yes.

President Adams:...200...a 20/400 vision your left eye. Ah, okay.

Clinton Maclin: Yes.

President Adams: And if I understand it correctly, you do swear to uphold constitution and so forth on admitting to boot camp but you don't have a real rank or so until you get out of boot camp if I'm not...you have to go to a school after that.

Clinton Maclin: Yes.

President Adams: Yeah, okay. Well, I'd like to continue this. I'd like to study this and see if we can't work something out here with the input of the Fire Merit Commission also. I thought it was quite odd that we passed this in November, I think it was, as we got a letter this week from them dated November. I couldn't quite...maybe it got lost in the mail but it was just kind of odd.

Yeah?

Councilman Lindsey: Well, it was a topic of discussion through several of the meetings, the merit meetings, and I don't know why they didn't come forward with it and, you know, they are just a board and there's only one firefighter on it, as far as I know, so it's not like they have unlimited knowledge.

Speaking Simultaneously

President Adams: Well I guess I don't really care if it was delayed or not. I think it does need further thing and I'd love to have you do some homework on this and report back to us and see if we can't work something out for you.

Aaron Trump: Okay, all right. Thank you.

President Adams: Okay, thank you very much for coming sir.

Clinton Maclin: Thank you.

President Adams: Okay, is there any other Miscellaneous Business that we'd like to talk about tonight? Please.

Amy Sitzman: Hello. You'll have to excuse me. I'm not quite the public speaker but my name is Amy Sitzman and I live at 3924 Pollack Avenue. I've been there for about six years and I'm a single mother to three small children and they're quite rambunctious. I do the best I can with them; finances are tight. But one of the things that we like to go and do is take advantage of our parks here in the City and the closest park to us is Vann Park, Vann-Pollack Park but we don't typically go there and I hadn't been there in so long I kind of had forgotten why we didn't go there.

But when we go to the park, you know, I load up all three bicycles and drive to Garvin Park or Wesselman Park typically because Garvin Park has the safe area for the kids to play and ride their bikes away from the streets and the traffic and Wesselman Park has a feature that I like a lot and that is that the playground area is fenced in. But this past Saturday it was beautiful outside and the kids were extra rambunctious so I thought, "Let's go down to Vann Park; it's close to us". Once we got there it was in such a condition that led me to show up here tonight. I took some snapshots also of the condition of the park.

The area is...the playground equipment is subpar in my opinion. There were three children there when my three children arrived and there wasn't enough area for them to play on the monkey bars and the small area, and that's the area that, you know, the total play area that I took a picture of.

Once on the play area, this is my son climbing on it, and it's rusted. There's nuts and bolts holding the thing together that are rusted and sticking out and the area, once the children get off the monkey bars, is broken and rusted. It's just not safe and it's a concern of mine so I ask the kids if they wanted to go over to the swings but this was the condition of the swing sets. The chains are rusted, the swings were flipped around the top of the frame; all but two of them were flipped around. Just didn't look safe; it looked in disarray. Here's a closer...close-up picture of the chains rusted.

When we there one of my children needed to use the restroom. I'm not aware of the park policy but the doors to both of the restrooms, the men's and the women's restroom., were locked. It was about 2:00 p.m. on a Saturday; it was beautiful outside. The kids didn't need coats outside or anything. And then I looked up and the light above the restrooms...the light fixture is missing and there's exposed wiring hanging out.

President Adams: And both doors were locked?

Amy Sitzman: Both doors were locked; inaccessible.

Councilwoman Brinkerhoff-Riley: Can you send your pictures? Can you start, maybe, your pictures up on that end so we can take a look at 'em?

Amy Sitzman: Sure, yeah.

Councilwoman Brinkerhoff-Riley: Thank you.

President Adams: Again, what was the name of the park again?

Amy Sitzman: It's Vann-Pollack Park.

President Adams: Okay.

Amy Sitzman: The parking lot, there is a paved parking lot that was in decent condition, but the gravel parking lot actually had more grass than gravel and, you know, it is true, we did have a snow, a light snow, recently and it was a warm day so there was melting of the snow, but because there's not much gravel in the parking lot it was kind of a step above a swamp. It was muddy and you could barely drive through it so I have a couple of pictures of that.

I took the pictures because I thought maybe I would pass them along but then yesterday I went...we...I picked a pizza for the kids for dinner and as I was waiting to pick it up I saw a flyer on the wall at the pizza place and it was for the South Baseball sign-ups that they're starting and I was excited about it but it's at Vann-Pollack Park and when you have one child, it's easy to stay right with them on the playground equipment, you know, but I have three and, you know, one of the things that I noted, just like at Wesselman Park, the area is fenced in and it kind of helps you corral your children.

I have a seven-year old, a four-year old and a three-year old and my four-year old was needing some help across the monkey bars and I'm helping her and at the same time my three-year old was taking off to the parking lot, you know, so it would be nice if we

could have some updates and improvements in our park, you know, because as a single mom it, you know, your time is short; just about as short as your finances and it's difficult to corral three children, get three bicycles loaded up and drive across town and have time, you know, to spend with your children at the park.

So I don't know if there's a plan in place for updates and improvements in the park but I would really...I would like to ask the Council to consider some updates and improvements to make our parks safer and a better place for the children to play.

Councilwoman Mosby: Actually I'm glad that you did come in front of us. We do have some things in the works for that park. I've been working with several of the neighborhood associations to kind of mirror what Lorraine Neighborhood Association has done with Lorraine Park...

Amy Sitzman: Okay.

Councilwoman Mosby:...and there's several neighborhood associations that are going to kind of adopt that park and we've got some clean-ups planned.

Amy Sitzman: Okay.

Councilwoman Mosby: I'm also working with Kelley Coures from the DMD, looking to see if possibly there're some grants that we can do to help update that playground equipment. I'm also working with the National Association of Realtors to apply for a grant as well to see what we can do, kind of mirror what we've done at Lorraine Park.

Amy Sitzman: Okay.

Councilwoman Mosby: Also, as far as the bathrooms and things, that is actually leased by EYB South. They have the actual structures there so when they are there that is open...

Amy Sitzman: Okay.

Councilwoman Mosby:...so I do apologize for that but that's kind of why that's going on but I do agree with you; some things do need to be done and I've been in the process of working with my community in that area to see what we can do and, you know, hopefully...hopefully within the next, you know, several months, we'll start seeing some improvements there.

Amy Sitzman: That would be very good.

Councilwoman Mosby: And be glad to help you with anything that I could do.

Amy Sitzman: Okay, thank you.

Councilwoman Mosby: Thank you.

President Adams: Wait just a second. Any other comments from anybody else?

Last year somebody from the Park Board...I can't remember his name; I apologize, told us if we had any problems with the park that we should notify him and he would do something; he would attack the problem. I can't remember that gentleman's name was.

Councilman O'Daniel: *(Off Mic) (Inaudible)* was Kenny, wasn't it?

President Adams: What was it?

Councilwoman Brinkerhoff-Riley: It was...I was...

Councilwoman Mosby: Yes, and I'm actually...

President Adams: Who was that?

Councilwoman Mosby: Kenny Overton and I'm actually working with him as well...

President Adams: Okay, would you send him an email or don't know if you...

Councilwoman Mosby: I already...I already have.

President Adams: Today?

Councilwoman Mosby: I've already spoken to him last week about all this. Yes.

President Adams: Okay but you're going to tell him...

Councilwoman Mosby: I'll contact him, yeah. We are working on all this...

President Adams: Yeah but I want you to email him tomorrow.

Councilwoman Mosby: I will email him tomorrow.

President Adams: Okay, thanks because he came out.

Councilwoman Mosby: Absolutely

President Adams: I remember him very loud and clear.

Councilwoman Mosby: In fact, I'll text him right now.

President Adams: He said if we have any problems we should let him know and by golly we're going to let him know. Yeah, thank you so much.

Amy Sitzman: Thank you.

President Adams: Thank you very much for coming ma'am.

Alright, any other comments that anyone else would like to talk about tonight?

Okay, Committee Reports.

COMMITTEE MEETINGS SCHEDULED FOR FEBRUARY 23, 2015

FINANCE COMMITTEE:

CHAIRMAN CONOR O'DANIEL

Re: **Ordinance F-2015-1**

Time: 5:10 p.m.

Notify: Kelley Coures, DMD

Authorizing Transfer, Re-appropriations and Additional Appropriations of Funds within Various Departments

Re: **Ordinance F-2015-2**

Time: 5:15 p.m.

Notify: Ted Ziemer

Authorizing the Investment of Public Funds Pursuant to IC 5-13-9-5.7

Re: **Resolution C-2015-3**

Time: 5:20 p.m.

Notify: Ted Ziemer

Authorizing and Approving the Entry into an Interlocal Agreement for the Investment of Public Funds

PUBLIC WORKS COMMITTEE

CHAIRMAN AL LINDSEY

Re: **Ordinance G-2015-3 Amended**

Time: 5:25 p.m.

Notify: Krista Lockyear,
Jackson Kelley, PLLC

Vacating a Portion of an Unnamed 12 Foot-Wide Alley Located East of 1331 West Franklin Street in the City of Evansville, Vanderburgh County, Indiana

Re: **Ordinance G-2015-4**

Time: 5:25 p.m.

Notify: Bret Sermersheim,
Morley & Associates

Vacate a Public Right-of Way: All of the 12 Foot-Wide Alley Lying Northeast of Lot 6 in the Lower Enlargement to the City of Evansville, Commonly known as 507 NW Riverside Drive

A.S.D. COMMITTEE

CHAIRWOMAN STEPHANIE BRINKERHOFF-RILEY

Councilwoman Brinkerhoff-Riley: Thank you Mr. President. Although we have no meetings scheduled on the agenda it does appear on February 23, at some point, we are going to hear:

Re: **Ordinance G-2015-5**

An ordinance amending Chapter 2.175 of the Evansville Municipal Code. That's the Police Department Merit System

President Adams: Terrific. Okay, any more comments?

ADJORNMENT

President Adams: I'll entertain a move to adjourn.

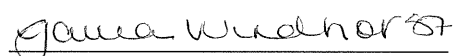
Councilman O'Daniel: So moved.

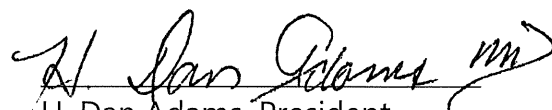
President Adams: Second?

Councilwoman Mosby: Second.

President Adams: Thank you all for coming tonight.

Meeting adjourned at 6:32 p.m.


Laura Windhorst, City Clerk


H. Dan Adams, President